

**AMENDMENT TO H.R. 658****OFFERED BY MS. HIRONO OF HAWAII**

At the end of subtitle A of title III of the bill, add the following (and conform the table of contents accordingly):

**1 SEC. 318. CLARIFICATION OF MEMORANDUM OF UNDER-**  
**2 STANDING WITH OSHA.**

**3 (a) IN GENERAL.**—The Administrator of the Federal  
**4 Aviation Administration**, in consultation with the Occupa-  
**5 tional Safety and Health Administration**, labor organiza-  
**6 tions representing flight attendants, air carriers, and other**  
**7 interested persons, shall—**

**8 (1) complete work begun under the memo-**  
**9 randum of understanding signed on August 7, 2000,**  
**10 between the Federal Aviation Administration and**  
**11 the Occupational Safety and Health Administration;**

**12 (2) address issues identified as “Matters for**  
**13 Further Consideration” in the 2 Administrations’**  
**14 joint report titled “Application of OSHA’s Require-**  
**15 ments to Employees on Aircraft in Operation” and**  
**16 published in December 2000; and**

**17 (3) develop, not later than one year after the**  
**18 date of enactment of this Act, a policy statement**

1        setting forth the circumstances in which Occupa-  
2        tional Safety and Health Administration standards  
3        and regulations may be applied to crewmembers  
4        while working in the aircraft.

5        (b) POLICY STATEMENT.—The policy statement to be  
6        developed under subsection (a)(3) shall provide for the fol-  
7        lowing:

8            (1) The establishment of a coordinating body  
9        similar to the Aviation Safety and Health Joint  
10       Team established by the August 2000 memorandum  
11       of understanding that includes representatives from  
12       both Administrations, labor organizations rep-  
13       resenting flight attendants, air carriers, and other  
14       interested persons—

15            (A) to examine the applicability of current  
16       and future Occupational Safety and Health Ad-  
17       ministration regulations;

18            (B) to recommend policies for facilitating  
19       the training of Cabin Occupational Safety and  
20       Health Inspectors; and

21            (C) to make recommendations that will  
22       govern the inspection and enforcement of safety  
23       and health standards on board aircraft in oper-  
24       ation and all work-related environments.

1           (2) A requirement that any portions of Occupa-  
2           tional Safety and Health Administration standards  
3           and regulations applied to crewmembers while work-  
4           ing in the aircraft shall give priority to the safe op-  
5           eration and maintenance of an aircraft and shall set  
6           forth clearly—

7                   (A) that the environment in the cabin of  
8           the aircraft is free from recognized hazards that  
9           may cause physical harm to a flight attendant  
10          working in the cabin;

11                  (B) minimum standards for the occupa-  
12          tional safety and health of flight attendants  
13          who work in the cabin of the aircraft;

14                  (C) the circumstances under which an em-  
15          ployer is required to take action to address oc-  
16          cupational safety and health hazards;

17                  (D) the measures required of an employer  
18          under the standards and regulations; and

19                  (E) the compliance obligations of an em-  
20          ployer under the standards and regulations.

21       (c) OVERSIGHT.—

22           (1) CABIN OCCUPATIONAL SAFETY AND  
23       HEALTH INSPECTORS.—The Administrator shall es-  
24       tablish the position of Cabin Occupational Safety  
25       and Health Inspector within the Federal Aviation

1 Administration and shall employ individuals with ap-  
2 propriate qualifications and expertise to serve in the  
3 position.

4 (2) RESPONSIBILITIES.—Inspectors employed  
5 under this subsection shall be responsible for con-  
6 ducting proper oversight of air carrier programs,  
7 conducting on board inspections, and accompanying  
8 Occupational Safety and Health Administration In-  
9 spectors on board the aircraft.

